

# **Appendix C**

## **Agency and Tribal Coordination**

**Arkansas Department of Energy and Environment,  
Arkansas Geological Survey**



## ARKANSAS ENERGY & ENVIRONMENT

October 29, 2021

Bill McAbee  
Garver, LLC  
4701 Northshore Drive  
North Little Rock AR 72118

Dear Mr. McAbee:

This letter is a response to your request for comments on the proposed road modifications in the area of I-49 and NE J Street in the City of Bentonville, Benton County, Arkansas. The following comments pertain to the geology of the proposed project.

The bedrock formation in the site is the Mississippian age Boone Formation. This formation is composed of limestone with some chert. This formation is very prone to the formation of karst terrain which includes caves, springs and sinkholes along with highly changing depths to bedrock over short horizontal distances. These features could be encountered during construction or form in the future.

If you have any questions about these comments please free to contact me at [bill.prior@arkansas.gov](mailto:bill.prior@arkansas.gov) or at 501-683-0117.

Regards,

A handwritten signature in black ink that reads "William Lee Prior".

William Lee Prior  
Arkansas Geological Survey  
5301 Northshore Drive  
North Little Rock, Arkansas 72118

## **Arkansas Department of Health (ADH)**





## **Arkansas Department of Health**

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

**Governor Asa Hutchinson**

**José R. Romero MD, Secretary of Health**

Engineering Section, Slot 37 Ph (501) 661-2623 Fax (501) 661-2032  
[www.healthy.arkansas.gov/eng](http://www.healthy.arkansas.gov/eng) After Hours Emergency (501) 661-2136

November 3, 2021

Garver  
2049 E Joyce Boulevard, Suite 400  
Fayetteville, AR 72703

RE: Environmental Information Document  
NE J Street Interchange Project  
Bentonville Water Utilities – Benton County  
Project 117330

Attn: Bill McAbee

The Environmental Information Document for the NE J Street Interchange Project, received October 15, 2020, has been reviewed and we do not anticipate any adverse environmental impacts that would affect the project.

If any public water or sewer utilities are being modified due to this project, this office requires detailed engineering plans and specifications to be reviewed and approved prior to construction.

The Environmental Information Document is being retained for our records. When submitting correspondence pertaining to this project, please include our reference number 117330.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lance Jones', is written over the typed name and title.

Lance Jones, P.E.  
Chief Engineer  
Engineering Section – ADH

LAJ:RT:TCB:tcb

Cc: Bentonville Water Utilities

## **Arkansas Department of Parks, Heritage and Tourism**

**From:** [Randy Roberson](#)  
**To:** [Bednar, David M.](#)  
**Subject:** NE J Street Interchange  
**Date:** Tuesday, February 14, 2023 11:22:52 AM  
**Attachments:** [image001.png](#)

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David,

Thank you for the opportunity to review information pertaining to the above subject. As the Environmental Review Coordinator for the Outdoor Recreation Grants Program of the Department of Parks, Heritage and Tourism, I focus my attention on a proposed project's potential to affect public outdoor recreation sites in the state with emphasis on those sites that have utilized grant funds administered by our program.

Based on the information provided, it appears that construction of the proposed NE J Street Interchange, will not affect any public outdoor recreation sites monitored by our program. Please accept this message as confirmation of this finding.

Sincerely,

**RANDY ROBERSON,**  
Project Officer – Environmental Review Coordinator  
Outdoor Recreation Grants Program - Office of Outdoor Recreation

Arkansas Department of Parks, Heritage and Tourism  
One Capitol Mall  
Little Rock, AR 72201  
[randy.roberson@arkansas.gov](mailto:randy.roberson@arkansas.gov)  
p: 501.682.6946 | f: 501.682.0081

[OutdoorGrants.com](https://OutdoorGrants.com)

<https://adpht.arkansas.gov/office-of-outdoor-recreation>



## **Arkansas Natural Heritage Commission (ANHC)**



**Asa Hutchinson**  
Governor  
**Stacy Hurst**  
Secretary

Date: November 12, 2021  
Subject: Elements of Special Concern  
NE J Street Interchange Project  
Bentonville, Benton County, Arkansas  
ANHC No.: P-CF..-21-086

Mr. Bill McAbee  
Garver  
2049 E. Joyce Blvd.  
Suite 400  
Fayetteville, AR 72703

Dear Mr. McAbee:

Staff members of the Arkansas Natural Heritage Commission have reviewed our files for records indicating the occurrence of rare plants and animals, outstanding natural communities, natural or scenic rivers, or other elements of special concern within or near the NE J Street Interchange Project located in Benton County, Arkansas. We find no records at present time.

It is of note that a tributary to McKisic Creek flows through the project area. McKisic Creek is known to support the following species of state conservation concern near the confluence with this unnamed tributary:

*Etheostoma mihileze*, sunburst darter  
*Faxonius macrus*, Neosho Midget Crayfish  
*Nocomis asper*, redspot chub

Care should be taken to minimize adverse impacts to this tributary. Best management practices to protect water quality should be utilized and carefully monitored.

As you are probably aware, the project falls within a Karst region of the state characterized by caves, springs, and sinkholes. These Karst ecosystems support a variety of rare species, including several that are listed by the U.S. Fish and Wildlife Service as Endangered or Threatened. The project area does not fall within a known recharge area supporting rare species. However, use of best management practices for the conservation of karst areas is recommended (<https://www.fws.gov/arkansas-es/docs/General%20Karst%20big%20BMP%20packet.pdf>).

A Benton County Element list is enclosed for your reference. Represented on this list are elements for which we have records in our database. The list has been annotated to indicate

those elements known to occur within a one and a five-mile radius of the project site. A legend is enclosed to help you interpret the codes used on this list.

Please keep in mind that the project area may contain important natural features of which we are unaware. Staff members of the Arkansas Natural Heritage Commission have not conducted a field survey of the study site. Our review is based on data available to the program at the time of the request. It should not be regarded as a final statement on the elements or areas under consideration. Because our files are updated constantly, you may want to check with us again at a later time.

Thank you for consulting us. It has been a pleasure to work with you on this study.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Osborne".

Cindy Osborne  
Data Manager/Environmental Review Coordinator

Enclosures: Legend  
Benton County Element List (annotated)  
Invoice

## LEGEND

### STATUS CODES

#### FEDERAL STATUS CODES

C	=	Candidate species. The U.S. Fish and Wildlife Service has enough scientific information to warrant proposing this species for listing as endangered or threatened under the Endangered Species Act.
LE	=	Listed Endangered; the U.S. Fish and Wildlife Service has listed this species as endangered under the Endangered Species Act.
LT	=	Listed Threatened; the U.S. Fish and Wildlife Service has listed this species as threatened under the Endangered Species Act.
-PD	=	Proposed for Delisting; the U.S. Fish and Wildlife Service has proposed that this species be removed from the list of Endangered or Threatened Species.
PE	=	Proposed Endangered; the U.S. Fish and Wildlife Service has proposed this species for listing as endangered.
PT	=	Proposed Threatened; the U.S. Fish and Wildlife Service has proposed this species for listing as threatened.
T/SA E/SA	=	Threatened (or Endangered) because of similarity of appearance.

#### STATE STATUS CODES

INV	=	Inventory Element - The Arkansas Natural Heritage Commission is currently conducting active inventory work on these elements. Available data suggests these elements are of conservation concern. These elements may include outstanding examples of Natural Communities or animal assemblages as well as plants and animals, which, according to current information, may be rare, peripheral, or of an undetermined status in the state. The ANHC is gathering detailed location information on these elements.
WAT	=	Watch List Species; The Arkansas Natural Heritage Commission is not conducting active inventory work on these species, however, available information suggests they may be of conservation concern. The ANHC is gathering general information on status and trends of these elements. An “*” indicates the status of the species will be changed to “INV” if the species is verified as occurring in the state (this typically means the agency has received a verified breeding record for the species).
MON	=	Monitored Species; The Arkansas Natural Heritage Commission is currently monitoring information on these species. These species do not have conservation concerns at present. They may be new species to the state, or species on which additional information is needed. The ANHC is gathering detailed location information on these elements
SE	=	State Endangered; this term is applied differently for plants and animals.  Animals – These species are afforded protection under Arkansas Game and Fish Commission (AGFC) Regulation. The AGFC states that it is unlawful to import, transport, sell, purchase, hunt, harass or possess any threatened or endangered species of wildlife or parts. The AGFC lists as endangered any wildlife species or subspecies endangered or threatened with extinction, listed or proposed as a candidate for listing by the U.S. Fish and Wildlife Service or any native species or subspecies listed as endangered by the Commission.  Plants – These species have been recognized by the Arkansas Natural Heritage Commission as being in danger of being extirpated from the state. This is an administrative designation with no regulatory authority.
ST	=	State Threatened; These plant species have been recognized by the Arkansas Natural Heritage Commission as being likely to become endangered in Arkansas in the foreseeable future, based on current inventory information. This is an administrative designation with no regulatory authority.

### DEFINITION OF RANKS

#### Global Ranks

G1	=	Critically imperiled globally. At a very high risk of extinction due to extreme rarity, very steep declines, very severe threats or other factors.
G2	=	Imperiled globally. At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats or other factors.
G3	=	Vulnerable globally. At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
G4	=	Apparently secure globally At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.

<b>G5</b>	=	<b>Secure globally.</b> At very low risk of extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
<b>GH</b>	=	<b>Of historical occurrence, possibly extinct globally.</b> Known from only historical occurrences but still some hope of rediscovery.
<b>GU</b>	=	<b>Unrankable.</b> Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
<b>GX</b>	=	<b>Presumed extinct globally.</b> Not located despite intensive searches and virtually no likelihood of rediscovery.
<b>GNR</b>	=	<b>Unranked.</b> The global rank not yet assessed.
<b>GNA</b>	=	<b>Not Applicable.</b> A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities.
<b>T-RANKS=</b>		<b>Intraspecific Taxon (trinomial) -</b> The status of intraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank. Rules for assigning T-ranks follow the same principles as those for GRANKS.

#### State Ranks

<b>S1</b>	=	<b>Critically imperiled in the state.</b> At very high risk of extirpation in the jurisdiction due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.
<b>S2</b>	=	<b>Imperiled in the state.</b> At high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
<b>S3</b>	=	<b>Vulnerable in the state.</b> At moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
<b>S4</b>	=	<b>Apparently secure in the state.</b> At a fairly low risk of extirpation in the jurisdiction due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
<b>S5</b>	=	<b>Secure in the state.</b> At very low or no risk of extirpation in the jurisdiction due to a very extensive range, abundant populations or occurrences, with little to no concern from declines or threats.
<b>SH</b>	=	<b>Of historical occurrence in the state.</b> Known from only historical records but still some hope of rediscovery. There is evidence that the species or ecosystem may no longer be present in the jurisdiction, but not enough to state this with certainty. Examples of such evidence include (1) that a species has not been documented in approximately 20-40 years despite some searching and/or some evidence of significant habitat loss or degradation; (2) that a species or ecosystem has been searched for unsuccessfully, but not thoroughly enough to presume that it is no longer present in the jurisdiction.
<b>SU</b>	=	<b>Unrankable in the state.</b> Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
<b>SX</b>	=	<b>Presumed extirpated from the state.</b> Species or ecosystem not located despite intensive searches of historical sites and other appropriate habitat, and virtually no likelihood that it will be rediscovered.
<b>SNR</b>	=	<b>Unranked.</b> The state rank not yet assessed.
<b>SNA</b>	=	<b>Not Applicable.</b> A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities.

#### General Ranking Notes

<b>Q</b>	=	<b>A "Q" in the global rank indicates the element's taxonomic classification as a species is a matter of conjecture among scientists.</b>
<b>RANGES=</b>		<b>Ranges are used to indicate a range of uncertainty about the status of the element.</b>
<b>?</b>	=	<b>A question mark is used to denote an inexact numeric rank.</b>
<b>B</b>	=	<b>Refers to the breeding population of a species in the state.</b>
<b>N</b>	=	<b>Refers to the non-breeding population of a species in the state.</b>



11/12/2021

**Arkansas Natural Heritage Commission**  
**Division of Arkansas Heritage**  
**Department of Parks, Heritage and Tourism**  
**Benton County**

Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank
<b>Animals-Invertebrates</b>					
<i>Alasmodonta marginata</i>	Elktoe	-	INV	G4	S3
<i>Amblyscirtes belli</i>	Bell's Roadside-Skipper	-	INV	G3G4	S3S4
<i>Autochthon cellus</i>	Golden Banded-Skipper	-	INV	G4	S2S3
<i>Caecidotea ancyla</i>	an isopod	-	INV	G3G4	S2
<i>Caecidotea steevesi</i>	an isopod	-	INV	G3G4	S1
✓ <i>Caecidotea stiladactyla</i>	an isopod	-	INV	G3G4	S3
<i>Cambarus aculabrum</i>	Benton County Cave Crayfish	LE	SE	G1	S1
<i>Cambarus setosus</i>	Bristly Cave Crayfish	-	INV	G2G3	S1
<i>Celastrina neglectamajor</i>	Appalachian Azure	-	INV	G4	S1
<i>Chlosyne gorgone</i>	Gorgone Checkerspot	-	INV	G5	S3
<i>Crosbyella roeweri</i>	a cave obligate harvestman	-	INV	G1G2	S1
<i>Erynnis martialis</i>	Mottled Duskywing	-	INV	G3	S2S3
<i>Euphydryas phaeton ozarkae</i>	Baltimore Checkerspot	-	INV	G4T3	S3
<i>Faxonius longidigitus</i>	Longpincer Crayfish	-	INV	G3G4	S3S4
✓ <i>Faxonius macrus</i>	Neosho Midget Crayfish	-	INV	G3G4	S2
✓ <i>Faxonius meeki brevis</i>	Meek's Short Pointed Crayfish	-	INV	G4T3	S3
✓ <i>Faxonius nana</i>	Midget Crayfish	-	INV	G3	S3
✓ <i>Faxonius williamsi</i>	Williams Crayfish	-	INV	G3	S3
<i>Fusconaia ozarkensis</i>	Ozark Pigtoe	-	INV	G3G4	S3
<i>Fusconaia sp. cf flava</i>	Elongate Pigtoe	-	INV	GNR	S1
<i>Gastrocopta rogersensis</i>	a land snail	-	INV	G3G4	S2
<i>Gryllotalpa major</i>	prairie mole cricket	-	INV	G3	S1S2
<i>Hesperia leonardus</i>	Leonard's Skipper	-	INV	G5	S3
<i>Hesperia meskei</i>	Meske's Skipper	-	INV	G3G4	S1S2
<i>Hesperochernes occidentalis</i>	a pseudoscorpion	-	INV	G5	S1
<i>Heterosternuta sulphuria</i>	Sulphur Springs diving beetle	-	INV	G1?	S1?
<i>Lampsilis rafinesqueana</i>	Neosho Mucket	LE	SE	G1	S1
<i>Ligidium elrodii</i>	an isopod	-	INV	G4G5	S2
<i>Lucanus elaphus</i>	giant stag beetle	-	INV	G3G5	S2
<i>Nicrophorus americanus</i>	American burying beetle	LT	SE	G3	S1
<i>Pleurobema sintoxia</i>	Round Pigtoe	-	INV	G4G5	S3
✓ <i>Procambarus liberorum</i>	Osage Burrowing Crayfish	-	INV	G3G4	S3S4
<i>Ptychobranhus occidentalis</i>	Ouachita Kidneyshell	-	INV	G3G4	S3
<i>Pygmarrhopalites clarus</i>	a springtail	-	INV	G4	S1S2
<i>Speyeria diana</i>	Diana Fritillary	-	INV	G2G3	S2S3
<i>Speyeria idalia</i>	Regal Fritillary	-	INV	G3?	S1
✓ <i>Stygobromus onondagaensis</i>	an amphipod	-	INV	G3	S1?
✓ <i>Stygobromus ozarkensis</i>	Ozark cave amphipod	-	INV	G4	S2
<i>Theliderma cylindrica</i>	Rabbitsfoot	LT	SE	G3G4	S3
<i>Toxolasma lividum</i>	Purple Lilliput	-	INV	G3	S3

Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank
<i>Trigenotyia parca</i>	a cave obligate millipede	-	INV	G1G2	S1
<i>Venustaconcha ellipsiformis</i>	Ellipse	-	INV	G4	S2
<i>Venustaconcha pleasii</i>	Bleedingtooth Mussel	-	INV	G3G4	S3
<i>Villosa iris</i>	Rainbow	-	INV	G5	S3
<i>Villosa sp. cf. lienosa</i>	little spectaclecase	-	INV	G5	S2S3
<b>Animals-Vertebrates</b>					
<i>Ambystoma annulatum</i>	Ringed Salamander	-	INV	G4	S3
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	-	INV	G5	S3
<i>Carphophis amoenus</i>	Common Wormsnake	-	INV	G5	S2
<i>Carpionodes velifer</i>	highfin carpsucker	-	INV	G4G5	S3
<i>Centronyx henslowii</i>	Henslow's Sparrow	-	INV	G4	S1B,S2N
<i>Cistothorus platensis</i>	Sedge Wren	-	INV	G5	S1S2B,S4N
<i>Crotaphytus collaris</i>	Eastern Collared Lizard	-	INV	G5	S2
<i>Crystallaria asprella</i>	crystal darter	-	INV	G3	S2
<i>Cyprinella camura</i>	bluntnose shiner	-	INV	G5	SH
✓ <i>Empidonax traillii</i>	Willow Flycatcher	-	INV	G5	S1B
<i>Etheostoma autumnale</i>	autumn darter	-	INV	G4	S3
<i>Etheostoma cragini</i>	Arkansas darter	-	INV	G3G4	S1
<i>Etheostoma microperca</i>	least darter	-	INV	G5	S1
✓ <i>Etheostoma mihileze</i>	sunburst darter	-	INV	G4	S3
<i>Etheostoma teddyroosevelt</i>	highland darter	-	INV	GNR	S3
✓ <i>Eurycea spelaea</i>	Grotto Salamander	-	INV	G4	S3
<i>Eurycea spelaea sp. A</i>	Grotto Salamander, Eastern Clade	-	INV	G4TNR	S3
<i>Gastrophryne olivacea</i>	Great Plains Narrowmouth Toad	-	INV	G5	S2
<i>Haliaeetus leucocephalus</i>	Bald Eagle	-	INV	G5	S3B,S4N
<i>Lepus californicus</i>	black-tailed jackrabbit	-	INV	G5	S1S2
<i>Lithobates areolatus</i>	Crawfish Frog	-	INV	G4	S2
<i>Lithobates sylvaticus</i>	Wood Frog	-	INV	G5	S3
✓ <i>Myotis grisescens</i>	gray bat	LE	SE	G4	S2S3
✓ <i>Myotis lucifugus</i>	little brown bat	-	SE	G3	S1
✓ <i>Myotis septentrionalis</i>	northern long-eared bat	LT	SE	G1G2	S1S2
<i>Myotis sodalis</i>	Indiana bat	LE	SE	G2	S1
✓ <i>Nocomis asper</i>	redspot chub	-	INV	G4	S3
<i>Notropis ozarcus</i>	Ozark shiner	-	INV	G3	S3
<i>Ophisaurus attenuatus</i>	Slender Glass Lizard	-	INV	G5	S3
<i>Percina evides</i>	gilt darter	-	INV	G4	S3
<i>Percina nasuta</i>	longnose darter	-	INV	G3	S3
<i>Percina phoxocephala</i>	slenderhead darter	-	INV	G5	S2
<i>Plestiodon obsoletus</i>	Great Plains Skink	-	INV	G5	S1
<i>Pseudacris maculata</i>	Boreal Chorus Frog	-	INV	G5	S2
<i>Reithrodontomys humilis</i>	eastern harvest mouse	-	INV	G5	S2
<i>Reithrodontomys megalotis</i>	western harvest mouse	-	INV	G5	S3
<i>Reithrodontomys montanus</i>	plains harvest mouse	-	INV	G5	S1
<i>Setophaga cerulea</i>	Cerulean Warbler	-	INV	G4	S3B
<i>Sonora semiannulata</i>	Western Groundsnake	-	INV	G5	S1

Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank
<i>Sorex longirostris</i>	southeastern shrew	-	INV	G5	S2
✓ <i>Terrapene ornata</i>	Ornate Box Turtle	-	INV	G5	S2
<i>Thryomanes bewickii</i>	Bewick's Wren	-	INV	G5	S1B,S1S2N
✓ <i>Troglichthys rosae</i>	Ozark cavefish	LT	SE	G3	S1
✓ <i>Tropidoclonion lineatum</i>	Lined Snake	-	INV	G5	S1
<b>Plants-Vascular</b>					
<i>Acer saccharum</i> var. <i>nigrum</i>	black maple	-	INV	G5T5	S1S2
<i>Agalinis skinneriana</i>	Skinner's false foxglove	-	INV	G3G4	SH
✓ <i>Allium canadense</i> var. <i>lavendulare</i>	tall pink glade onion	-	INV	G5TNR	S2
<i>Amorpha canescens</i>	lead-plant	-	INV	G5	S1
<i>Androsace occidentalis</i>	rock-jasmine	-	INV	G5	S1
<i>Antennaria neglecta</i>	field pussytoes	-	INV	G5	S1
<i>Apocynum androsaemifolium</i>	spreading dogbane	-	INV	G5	S1
✓ <i>Argyrochosma dealbata</i>	powdery cloak fern	-	INV	G4G5	S2
<i>Artemisia ludoviciana</i> ssp. <i>mexicana</i>	white sagebrush	-	INV	G5T5?	S1S2
<i>Asarum canadense</i> var. <i>acuminatum</i>	taper-tip wild ginger	-	INV	G5TNR	S2
✓ <i>Asclepias incarnata</i> ssp. <i>incarnata</i>	swamp milkweed	-	INV	G5T5	S2
<i>Asplenium pinnatifidum</i>	lobed spleenwort	-	INV	G4	S3
<i>Asplenium x kentuckiense</i>	Kentucky spleenwort	-	INV	GNA	SH
<i>Bromus nottowayanus</i>	satin brome	-	INV	G4G5	S2
<i>Callirhoe bushii</i>	Bush's poppy-mallow	-	INV	G3	S3
✓ <i>Calopogon oklahomensis</i>	Oklahoma grass-pink	-	INV	G2	S2
✓ <i>Camassia angusta</i>	prairie wild hyacinth	-	INV	G5?Q	S2S3
✓ <i>Carex aggregata</i>	cluster sedge	-	INV	G5	S1
✓ <i>Carex arkansana</i>	Arkansas sedge	-	INV	G4	S1
<i>Carex bicknellii</i>	Bicknell's sedge	-	INV	G5	S1
✓ <i>Carex buxbaumii</i>	brown bog sedge	-	INV	G5	S1
<i>Carex careyana</i>	Carey's sedge	-	INV	G4G5	S3
<i>Carex conjuncta</i>	soft fox sedge	-	INV	G4G5	S1
✓ <i>Carex conoidea</i>	open-field sedge	-	INV	G5	S1
<i>Carex gracilescens</i>	slender wood sedge	-	INV	G5?	S2
<i>Carex hirtifolia</i>	hairy sedge	-	INV	G5	S3
<i>Carex hitchcockiana</i>	Hitchcock's sedge	-	INV	G5	S1S2
<i>Carex normalis</i>	spreading oval sedge	-	INV	G5	S1
✓ <i>Carex opaca</i>	opaque prairie sedge	-	SE	G4	S2S3
✓ <i>Carex pellita</i>	woolly sedge	-	INV	G5	S1S2
<i>Carex prasina</i>	drooping sedge	-	INV	G4	SH
✓ <i>Carex scoparia</i> var. <i>scoparia</i>	pointed broom sedge	-	INV	G5T5	S1S2
<i>Carex sparganioides</i>	bur-reed sedge	-	INV	G5	S3
<i>Carex stricta</i>	tussock sedge	-	INV	G5	S3
<i>Caulophyllum thalictroides</i>	blue cohosh	-	INV	G5	S2
<i>Cheilanthes eatonii</i>	Eaton's lip fern	-	INV	G5?	S1
<i>Collinsia verna</i>	blue-eyed Mary	-	INV	G5	S1
<i>Crataegus coccinioides</i>	Kansas hawthorn	-	INV	G4?Q	SH
✓ <i>Crataegus palmeri</i>	Palmer's hawthorn	-	INV	GNR	SNR

Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank
✓ <i>Crataegus phaenopyrum</i>	Washington hawthorn	-	INV	G4?	S1
<i>Crataegus reverchonii</i>	Reverchon's Hawthorn	-	INV	G4?	S1
<i>Cuscuta glomerata</i>	rope dodder	-	INV	G5	S1
<i>Delphinium treleasei</i>	Trelease's larkspur	-	INV	G3	S3
<i>Desmodium illinoense</i>	Illinois tick-trefoil	-	INV	G5	S2
<i>Dichanthelium ovinum</i>	rosette grass	-	INV	GNR	SNR
✓ <i>Dichanthelium roanokense</i>	Roanoke rosette grass	-	INV	G4?	S1
<i>Diphasiastrum digitatum</i>	southern running-pine	-	INV	G5	S1S2
<i>Dirca decipiens</i>	Ozark leatherwood	-	INV	G1G2	S1?
<i>Drymocallis arguta</i>	tall cinquefoil	-	ST	G5	S1S2
<i>Dulichium arundinaceum</i> var. <i>arundinaceum</i>	three-way sedge	-	INV	G5T5	S2S3
✓ <i>Eleocharis wolfii</i>	Wolf's spike-rush	-	INV	G3G5	S3
<i>Elymus churchii</i>	Church's wild rye	-	INV	G3	S2?
<i>Elymus glaucus</i> ssp. <i>mackenzii</i>	Mackenzie's blue wild rye	-	INV	G5TNR	S1
<i>Elymus virginicus</i> var. <i>intermedius</i>	intermediate wild rye	-	INV	G5TNR	S1
<i>Eriocaulon koernickianum</i>	small-head pipewort	-	SE	G2	S2
✓ <i>Erysimum capitatum</i> var. <i>capitatum</i>	western wallflower	-	INV	G5T5	S2
✓ <i>Erythronium mesochoreum</i>	prairie trout-lily	-	INV	G4G5	S1S2
<i>Eurybia macrophylla</i>	big-leaf aster	-	INV	G5	SH
<i>Gentiana alba</i>	pale gentian	-	INV	G4	S1
<i>Gentiana puberulenta</i>	downy gentian	-	INV	G4G5	S2
<i>Gillenia trifoliata</i>	Bowman's-root	-	INV	G4G5	S1
<i>Helianthus occidentalis</i> ssp. <i>occidentalis</i>	naked-stem sunflower	-	INV	G5T5	S1S2
<i>Helianthus pauciflorus</i> ssp. <i>pauciflorus</i>	prairie sunflower	-	INV	G5T5?	S1
<i>Heuchera villosa</i> var. <i>arkansana</i>	Arkansas alumroot	-	INV	G5T3Q	S3
<i>Humulus lupulus</i> var. <i>pubescens</i>	wild hop	-	INV	G5T4?	S1S2
<i>Juncus brachyphyllus</i>	tufted-stem rush	-	INV	G5	S1
✓ <i>Koeleria macrantha</i>	prairie June grass	-	INV	G5	S2
<i>Liatris punctata</i> var. <i>mucronata</i>	dotted gayfeather	-	INV	G5T5	S2
<i>Liatris punctata</i> var. <i>punctata</i>	bottle-brush gayfeather	-	INV	G5T5	SH
<i>Limnodea arkansana</i>	Ozark grass	-	INV	G4?	S1
<i>Malvastrum hispidum</i>	yellow false mallow	-	INV	G3G5	S2
✓ <i>Mentzelia oligosperma</i>	stick-leaf	-	INV	G4	S1
<i>Mimulus ringens</i> var. <i>ringens</i>	Allegheny monkey-flower	-	INV	G5T5	S1S2
<i>Muhlenbergia bushii</i>	nodding muhly	-	INV	G5	S2
<i>Muhlenbergia cuspidata</i>	plains muhly	-	INV	G5	S1
✓ <i>Muhlenbergia glabriflora</i>	inland muhly	-	INV	G4?	S1
✓ <i>Nemastylis nuttallii</i>	Nuttall's pleat-leaf	-	INV	G4	S2
<i>Opuntia engelmannii</i> var. <i>lindheimeri</i>	Texas prickly-pear	-	INV	G5T4?	S1
<i>Osmorhiza claytonii</i>	hairy sweet-cicely	-	INV	G5	S1S3
<i>Perideridia americana</i>	eastern yampah	-	INV	G4	S2
<i>Phacelia purshii</i>	Miami mist	-	INV	G5	S1
<i>Phlox bifida</i>	sand phlox	-	INV	G5?	S3
<i>Physalis missouriensis</i>	Missouri ground-cherry	-	INV	G5?	S1
✓ <i>Polygala incarnata</i>	pink milkwort	-	INV	G5	S1S2

Scientific Name	Common Name	Federal Status	State Status	Global Rank	State Rank
✓ <i>Prenanthes alba</i>	white rattlesnake-root	-	INV	G5	S1S2
<i>Prenanthes aspera</i>	prairie rattlesnake-root	-	INV	G4?	S2S3
✓ <i>Scleria muehlenbergii</i>	Muhlenberg's nut-rush	-	INV	G5	S1S2
<i>Silene ovata</i>	ovate-leaf catchfly	-	ST	G3	S3
✓★ <i>Silene regia</i>	royal catchfly	-	ST	G3	S2
<i>Silphium integrifolium</i> var. <i>laeve</i>	rosinweed	-	INV	G5T4?	S1
<i>Solidago gattingeri</i>	Gattinger's goldenrod	-	INV	G3?Q	S1
<i>Solidago ptarmicoides</i>	white flat-top goldenrod	-	INV	G5	S1S2
<i>Spiranthes magnicamporum</i>	Great Plains ladies'-tresses	-	INV	G3G4	S1S2
<i>Stenanthium gramineum</i>	featherbells	-	INV	G4G5	S3
<i>Symphyotrichum sericeum</i>	silvery aster	-	INV	G5	S2
<i>Tradescantia ozarkana</i>	Ozark spiderwort	-	INV	G3	S3
<i>Trichophorum planifolium</i>	bashful bulrush	-	INV	G4G5	S1
✓ <i>Trillium ozarkanum</i>	Ozark trillium	-	INV	G3	S3
<i>Ulmus thomasi</i>	rock elm	-	INV	G5	S2
<i>Urtica gracilis</i>	slender nettle	-	INV	G5	S1
✓ <i>Utricularia subulata</i>	zigzag bladderwort	-	INV	G5	S2
✓ <i>Valerianella ozarkana</i>	Ozark cornsalad	-	INV	G3	S3
<i>Veratrum woodii</i>	Wood's false hellebore	-	INV	G5	S3
<i>Vicia ludoviciana</i> ssp. <i>leavenworthii</i>	Leavenworth's vetch	-	INV	G5T5	S1S2
<i>Viola canadensis</i> var. <i>canadensis</i>	Canadian white violet	-	INV	G5T5	S2
<i>Vitis rupestris</i>	rock grape	-	INV	G3	S1

### Special Elements-Natural Communities

Cave Stream	-	INV	GNR	SNR
✓ Southwest Ozark Prairie and Woodland	-	INV	GNR	S1
Spring-Ozark Mountains	-	INV	GNR	SNR

### Special Elements-Other

Colonial nesting site, water birds	-	INV	GNR	SNR
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★ - These elements of special concern have been recorded within a 1-mile radius of the study area.

✓ - These elements of special concern have been recorded within a 5-mile radius of the study area

## **Local Floodplain Administrator**



Nov. 18, 2021

Bill McAbee  
Garver, LLC  
4701 Northshore Drive  
North Little Rock, AR 72118

Re: NE J Street Interchange Project  
Environmental impacts Assessment

Mr. McAbee:

The list below represents items that can potentially impact the environment from proposed project in City of Bentonville. This letter can only address the part of project that is within the current City Limits of Bentonville and only pertains to the items the Stormwater Coordinator has historical record.

- Shewmaker Creek is FEMA regulated which will require environmental permitting to cross.
- In SW, water disappears underground and there is a known spring in this karst topography.
- Former city Jacobs Fill Site is on SW side of project.
- Municipal separate storm sewer system (MS4) networks inclusive of two stormwater basins are located within project boundary to SW.
- There is a Sewer Force Main crossing the southern border of project.
- There are two active Construction General Permits: Hawthorne Heights and Slaughter Pen Bike Park to the West.
- Reference National Wetland Inventory mapping for drainage features within steep topography. Site is in McKissic – Little Sugar Creek – Elk River Watershed. It is not in 2018 Ecologically Sensitive Waterbody (ESW).

Supplemental data may be reviewed at the City of Bentonville Municipal Complex, 3200 SW Municipal Drive, 479-271-3168 from 7:30 am to 4:00 pm, Monday through Friday.

Sincerely,

Janet Paith, MSPH, CFM, CPESC  
Stormwater Coordinator

## **Natural Resources Conservation Service (NRCS)**





4300 South J.B. Hunt Drive  
Suite 240  
Rogers, AR 72758  
TEL 479.257.9188  
[www.GarverUSA.com](http://www.GarverUSA.com)

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December 4, 2023

Greta Grishanova  
Soil Scientist  
USDA Natural Resources Conservation Service  
Office: (501) 301-3140  
[greta.grishanova@usda.gov](mailto:greta.grishanova@usda.gov)

RE: I-49/NE J Street Interchange (ARDOT Job 090676)  
Bentonville, Benton County, Arkansas  
**Farmland Protection Policy Act (FPPA) Finalization**

Ms. Grishanova:

On February 17, 2023, you provided us (via email to Mr. Bednar) with a partially completed CPA-106 form for the above referenced project. On behalf of the Arkansas Department of Transportation (ARDOT) and the Federal Highway Administration (FHWA), please find attached our completed sections of farmland Form CPA-106 for this roadway and interchange project.

As the total site score received on NRCS Form CPA-106 was less than 160 points, the consideration of alternatives does not apply. A copy of the completed CPA-106 Form is attached. This form will be a part of the Environmental Assessment documentation submitted by the FHWA for the proposed project.

Sincerely,

GARVER

Cassie Schmidt  
Environmental Scientist

Enclosure: Completed Farmland CPA-106 Form

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>2/16/23</b>	4. Sheet <b>1</b> of <b>1</b>
1. Name of Project <b>NE J Street Interchange Project</b>		5. Federal Agency Involved <b>USDOT</b>	
2. Type of Project <b>Road</b>		6. County and State <b>Benton County, Arkansas</b>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>2/16/23</b>	2. Person Completing Form <b>Greta Grishanova</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated   Average Farm Size <b>635</b>   <b>141</b>	
5. Major Crop(s) <b>Soybeans</b>	6. Farmable Land in Government Jurisdiction Acres: <b>304,845</b> % <b>54</b>		7. Amount of Farmland As Defined in FPPA Acres <b>196,881</b> % <b>35</b>
8. Name Of Land Evaluation System Used <b>NCCPI</b>	9. Name of Local Site Assessment System <b>NONE</b>		10. Date Land Evaluation Returned by NRCS <b>2/17/23</b>

**PART III (To be completed by Federal Agency)****Alternative Corridor For Segment**

	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	<b>40</b>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0</b>			
C. Total Acres In Corridor	<b>40</b>			

**PART IV (To be completed by NRCS) Land Evaluation Information**

A. Total Acres Prime And Unique Farmland	<b>27</b>			
B. Total Acres Statewide And Local Important Farmland	<b>18</b>			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	<b>0.01</b>			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	<b>56</b>			

**PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)**

	<b>38</b>			
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**PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))**

	Maximum Points				
1. Area in Nonurban Use	<b>15</b>	<b>7</b>			
2. Perimeter in Nonurban Use	<b>10</b>	<b>5</b>			
3. Percent Of Corridor Being Farmed	<b>20</b>	<b>0</b>			
4. Protection Provided By State And Local Government	<b>20</b>	<b>0</b>			
5. Size of Present Farm Unit Compared To Average	<b>10</b>	<b>0</b>			
6. Creation Of Nonfarmable Farmland	<b>25</b>	<b>0</b>			
7. Availability Of Farm Support Services	<b>5</b>	<b>5</b>			
8. On-Farm Investments	<b>20</b>	<b>1</b>			
9. Effects Of Conversion On Farm Support Services	<b>25</b>	<b>0</b>			
10. Compatibility With Existing Agricultural Use	<b>10</b>	<b>0</b>			
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>

**PART VII (To be completed by Federal Agency)**

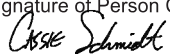
Relative Value Of Farmland (From Part V)	<b>100</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Corridor Assessment (From Part VI above or a local site assessment)	<b>160</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected: <b>Corridor A</b>	2. Total Acres of Farmlands to be Converted by Project: <b>40</b>	3. Date Of Selection: <b>12/4/2023</b>	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
--	--	---	--

5. Reason For Selection:

Corridor A, the Build Alternative, is the preferred alternative.

Signature of Person Completing this Part:



DATE

12/4/2023

NOTE: Complete a form for each segment with more than one Alternate Corridor



United States Department of Agriculture

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VIA EMAIL

February 17, 2023

David Bednar, Jr.  
Environmental Scientist/Environmental Specialist  
Transportation Team  
Garver

Dear Mr. Bednar,

This letter is in response to your request for information related to Prime Farmland and Farmland of Statewide Importance for the NE J Street Interchange Project located in Benton county, Arkansas. This activity will affect 27 acres of Prime Farmland and 18 acres of Farmland of Statewide Importance. Please find enclosed form CPA-106 and corresponding map.

Should you have any questions or need additional information, please call me at (501) 301-3140 or email at [greta.grishanova@usda.gov](mailto:greta.grishanova@usda.gov).

Sincerely,

Greta Grishanova  
Soil Scientist

Enclosure



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**Natural Resources Conservation Service**

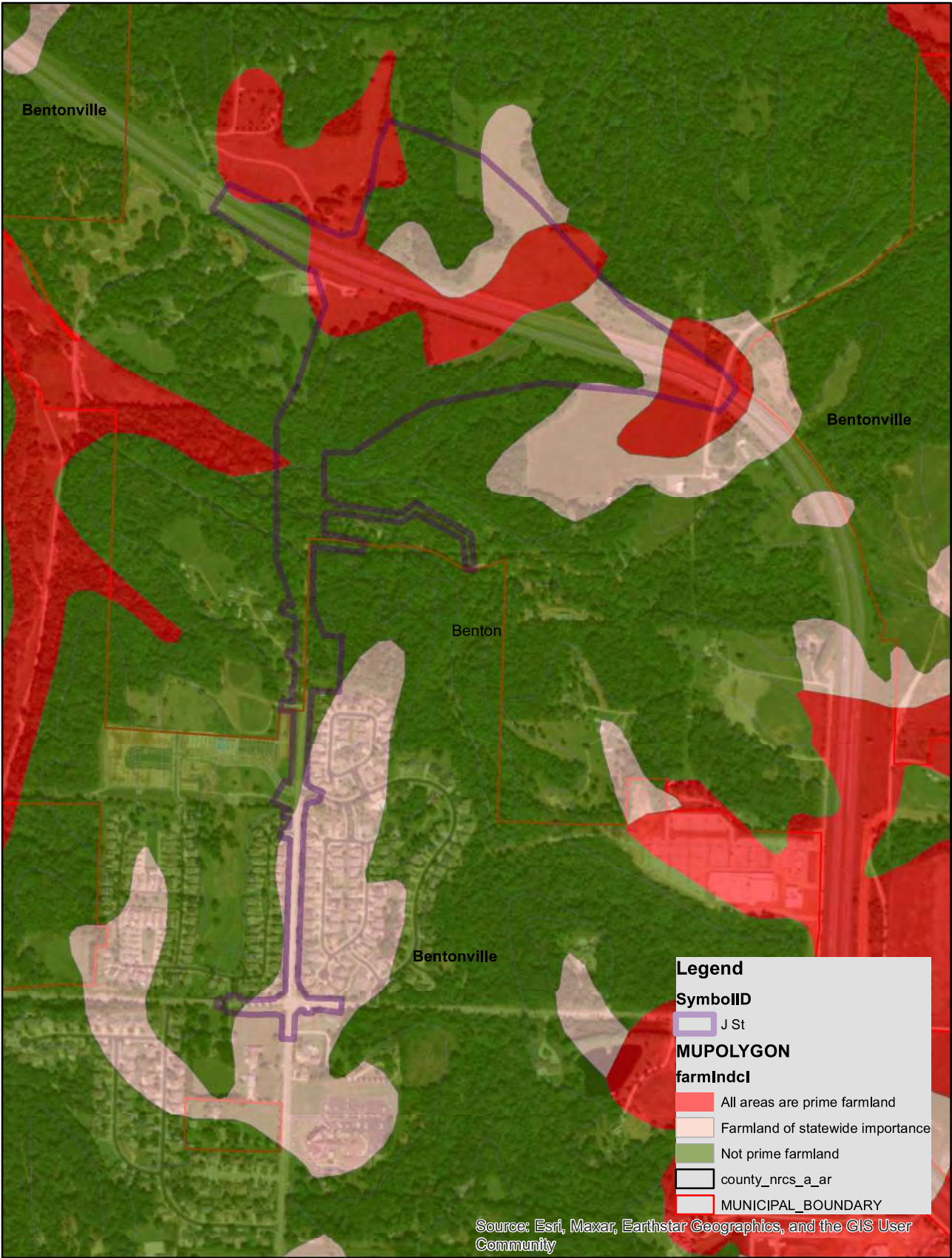
Room 3416, Federal Building  
700 West Capitol Avenue  
Little Rock, Arkansas 72201-3215

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# Farmland Classification of Soils NE J Street Interchange Project Benton County, Arkansas



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

## **Ozark Underground Laboratory, Inc.**

**Possible Association of the NE J Street Interchange Project, City of Bentonville, Arkansas  
with Habitat for Ozark Cavefish Populations**

**Tom Aley, PG  
Senior Hydrogeologist and President  
Ozark Underground Laboratory, Inc.  
December 14, 2021**

This assessment of existing data is provided in response to a query from Bill McAbee of Garver dated December 10, 2021. Mr. McAbee provided a project location map showing a project that would directly impact approximately 2,300 feet of an unnamed stream channel that is tributary to McKisic Creek a short distance upstream of the mouth of that stream. While I have not made a site visit, it is likely that the stream in your project area is a losing stream that supplies water to one or more local or regional springs.

In 2014 the Ozark Underground Laboratory completed a report titled “Recharge Area Delineation and Vulnerability Mapping for Civil War Cave, Centerton Spring, and Centerton Fish Hatchery Spring, Benton County, Arkansas” (Aley and Aley, 2014). This was a contract study prepared for The Nature Conservancy.

Civil War Cave and Centerton Fish Hatchery Spring are both known habitat sites for the Ozark Cavefish, a federally listed Threatened Species under provisions of the Endangered Species Act. Our groundwater tracing results showed that water passing through Civil War Cave subsequently discharges to several springs downstream of that cave. These springs include Coler Spring and Wishing Spring. Much of this groundwater flow appears to be localized on or near the Bella Vista Fault, and the Aley and Aley (2014) report identifies an area approximately 2,000 feet wide centered on the fault zone as presumptive habitat for Ozark Cavefish. The Aley and Aley (2014) report further identifies lands overlying this presumptive habitat as an Extremely High Vulnerability area.

The unnamed tributary associated with the Bentonville project intersects with the Presumptive Habitat Area for Civil War Cave at a point about 6,400 feet downstream of your project area. It is possible (and perhaps likely) that water sinking in or a short distance downstream of your project area contributes to groundwater and springs in the delineated Presumptive Habitat Area. A dye tracing investigation would need to be conducted to determine if such a hydrologic connection exists.

The Ozark Underground Laboratory could design and conduct a groundwater tracing study focused on the project area for the Bentonville project. We have extensive experience in the area and have done a substantial amount of previous work for the Arkansas Highway and Transportation Department, Northwest Arkansas Regional Airport Authority, and other entities in northwest Arkansas. One possibility would be for us to work with Dave Bednar, a Garver employee who is based in Fort Smith. Dave and I worked together in the Corridor H study in West Virginia and Dave was responsible for sampling during our groundwater tracing work.

I hope you find this assessment useful, and let me know if we can help you in this important project.

Tom Aley, Arkansas Professional Geologist 1646

### **Reference**

Aley, Tom and Cathy Aley. 2014. Recharge area delineation and vulnerability mapping for Civil War Cave, Centerton Spring, and Centerton Fish Hatchery Spring, Benton County, Arkansas. Ozark Underground Laboratory contract report to The Nature Conservancy, Ozark Highlands Office, Fayetteville, Arkansas. 94p. + appendixes.

S:\tom\bentonville1.doc

## **State Historic Preservation Office (SHPO)**





**Sarah Huckabee Sanders**  
Governor  
**Shea Lewis**  
Secretary

October 20, 2023

Mr. John Fleming  
Division Head  
Environmental Division  
Arkansas Department of Transportation  
10324 Interstate 30  
Little Rock, AR 72203-2261

RE: Benton County: General  
Section 106 Review: FHWA  
Proposed Undertaking: I-49/NE J St. Intchnng.  
Route I-49, Section 29  
Cultural Resources Survey Report: *A Cultural Resources Survey for the Proposed NE J Street Expansion and Interchange Project in Bentonville, Benton County, Arkansas*  
Flat Earth Archeology Report: 2021-123  
ArDOT Job Number: 090676  
AHPP Tracking Number: 111573

Dear Mr. Fleming:

The staff of the Arkansas Historic Preservation Program (AHPP) has reviewed the cultural resources survey for the above-referenced undertaking in Sections 17 and 20, Township 20 North, Range 30 West in Benton County. The project proposes to expand 1.1 linear miles of roadway and create an interstate/roadway interchange area covering approximately 29 acres in Benton County. A total of 237 shovel tests were excavated in the APE and a total of two isolated finds were identified. No other cultural materials were found in the APE. There are many previously recorded sites in the area and one (3BE0624) within the APE. However, shovel testing within the site boundaries did not recover any cultural materials as the portion of the site within the APE is highly disturbed by previous ground disturbing activity. It is recommended that 3BE0624 still be considered undetermined for inclusion in the National Register of Historic Places (NRHP) because not all the site has been thoroughly tested.

An architectural resource survey was conducted of the APE and a total of eight recorded historic structures located outside of the direct APE were evaluated during this survey. All eight structures are recommended as not eligible for inclusion in the NRHP and none will be affected by this undertaking.

## AHPP Tracking Number 111573

An addendum to the original report was also included in the submission for an additional survey of 21.86 acres. A total of 296 shovel tests were excavated in this additional APE. A total of three sites (3BE1103, 3BE1104, and 3BE1105) were identified along with one isolated find. 3BE1103 and 3BE1104 are both pre-contact lithic scatters and due to portions of the sites being inaccessible, full delineation was not possible. 3BE1105 is also a pre-contact lithic scatter but did not produce much in the way of cultural materials or diagnostic artifacts. 3BE1103 and 3BE1104 are recommended as undetermined for inclusion in the NRHP and 3BE1105 is recommended as not eligible.

Based on the provided information, the AHPP concurs with the finding of **no historic properties affected pursuant to 36 CFR § 800.4(d)(1)** for the proposed undertaking if sites 3BE1103 and 3BE1104 are avoided. We concur that the portion of site 3BE0624 that falls within the APE will not be affected by this undertaking and should still be considered undetermined for inclusion in the NRHP. We concur that 3BE1103 and 3BE1104 are undetermined for inclusion in the NRHP and should be avoided or subjected to additional testing to determine eligibility. We concur that 3BE1105 is not eligible for inclusion in the NRHP. The AHPP concurs that all eight historic structures are not eligible for inclusion in the NRHP and will not be affected by this undertaking. In the event of a post-review discovery of historic properties within the area of potential effects, please contact the AHPP and other consulting parties in accordance with 36 CFR § 800.13(b)(3).

Thank you for the opportunity to review this cultural resource report. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Jessica Cogburn of my staff at 501-324-9357 or email [jessica.cogburn@arkansas.gov](mailto:jessica.cogburn@arkansas.gov).

Sincerely,  
Jessica H.  
Cogburn

Digitally signed by Jessica  
H. Cogburn  
Date: 2023.10.20  
15:54:35 -05'00'

for

Scott Kaufman  
State Historic Preservation Officer and Director, AHPP

cc: Randal Looney, Federal Highway Administration  
Dr. Melissa Zabecki, Arkansas Archeological Survey

## **U.S. Army Corps of Engineers (USACE)**

**From:** [CESWL-Regulatory](#)  
**To:** [Schmidt, Cassie P.](#)  
**Subject:** RE: NE J Street Interchange Project (ARDOT Job 090676) - Initial Agency Coordination Letter  
**Date:** Thursday, September 14, 2023 7:16:01 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Good morning!

This is official notification that we have received your request and are now assigning it to our Regulatory Project Manager, Mr. Kagan Davis. You can contact him through email at [Kagan.M.Davis@usace.army.mil](mailto:Kagan.M.Davis@usace.army.mil)

The Administrative Record Number assigned to this project is: SWL- 2023-00256. Please use this number when communicating with us about your project.

For more information on the Regulatory Program, visit our website at:  
<http://www.swl.usace.army.mil/Missions/Regulatory.aspx>

Please let us know how we are doing by submitting your comments or suggestions on our Customer Service Survey: <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Willis A. Bullard  
 Legal Instruments Examiner  
 Regulatory Division  
 USACE, Little Rock District

---

**From:** Schmidt, Cassie P. <CPSchmidt@GarverUSA.com>  
**Sent:** Thursday, August 31, 2023 3:18 PM  
**To:** CESWL-Regulatory <PR-R.CESWL-PR-R@usace.army.mil>  
**Cc:** McAbee, William C. <WCMcAbee@GarverUSA.com>  
**Subject:** [Non-DoD Source] NE J Street Interchange Project (ARDOT Job 090676) - Initial Agency Coordination Letter

Ms. Chitwood,

Please find the attached initial agency coordination letter for a proposed project in Bentonville, AR. We are in the process of preparing an Environmental Assessment (EA) for the project on behalf of the Arkansas Department of Transportation.

Sincerely,

**Cassie Schmidt**  
 Environmental Scientist/Environmental Specialist  
*Transportation Team*

## **U.S. Fish and Wildlife Service (USFWS)**



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office  
110 South Amity Road, Suite 300  
Conway, Arkansas 72032



July 7, 2023

Mr. Ryan Mountain  
Garver  
4701 Northshore Dr.  
North Little Rock, AR 72118

Consultation Code: 2022-0030877

Dear Mr. Mountain:

The U.S. Fish and Wildlife Service (Service) reviewed your request, assessment, and determinations for Arkansas Department of Transportation (ARDOT) Job 090676 - NE J Street Interchange - Geotech Access, Benton County, Arkansas, received on July 6, 2023.

The following assessment and determinations were made (attachment):

Geotech borings are required for continuation of roadway and bridge design, and subsequent determination of potential habitat impacts for this larger NE J Street Interchange project. Geotech access is proposed to take place in July or August 2023 and includes potential clearing of up to 0.4 acres of forested habitat suitable for roosting bats. Table 1 below reflects proposed effects determinations for all federally listed species for this project area. Based on the "No Effect" and "Not likely to Adversely Affect" determinations for all listed species, we respectfully request concurrence of these findings. Proposed avoidance and minimization measures include flagging of suitable roost trees for avoidance and/or emergence counts at potential roost trees prior to removal.

Due to little to no suitable habitat within the footprint of the action, the distance to known species locations, lack of caves and other karst features in the project area, and the implementation of standard ARDOT best management practices, the Service concurs with your determinations of "may affect, not likely to adversely affect" as we cannot be reasonably certain that this action will have anything more than insignificant and/or discountable direct or indirect effects to these species. This concurrence concludes your ESA Section 7 responsibilities for this action.

If a cave or other karst features are encountered during construction, the Service recommends that work efforts cease immediately. The opening should be adequately marked and protected from other work activities, and the Service should be contacted for further assistance. No entry should be made and no materials should be placed into the feature until further guidance has been provided.

Mr. Ryan Mountain

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For further assistance or if you have any questions, please contact Lindsey Lewis at (501) 513-4489 or [lindsey\\_lewis@fws.gov](mailto:lindsey_lewis@fws.gov).

Sincerely,

**CHRISTOPHER  
DAVIDSON**

Digitally signed by  
CHRISTOPHER DAVIDSON  
Date: 2023.07.07 10:49:46 -05'00'

Chris Davidson  
Acting Field Supervisor

cc: Project File

Read File

Filename: [https://doimspp-](https://doimspp-my.sharepoint.com/personal/lindsey_lewis_fws_gov/Documents/Documents/PROJECTS/FY2023/ARDOT/ARDOT%20Job%20090676%20-%20NE%20J%20St%20Interchange%20Geotech%20Access/20230707_Ltr_Concurrence_ARDOT%20Job%20090676_LCL.docx)

[my.sharepoint.com/personal/lindsey\\_lewis\\_fws\\_gov/Documents/Documents/PROJECTS/FY2023/ARDOT  
T/ARDOT Job 090676 - NE J St Interchange Geotech Access/20230707\\_Ltr\\_Concurrence\\_ARDOT Job  
090676\\_LCL.docx](https://doimspp-my.sharepoint.com/personal/lindsey_lewis_fws_gov/Documents/Documents/PROJECTS/FY2023/ARDOT/ARDOT Job 090676 - NE J St Interchange Geotech Access/20230707_Ltr_Concurrence_ARDOT Job 090676_LCL.docx)

Attachment

Mr. Ryan Mountain

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**Attachment: T&E Listed Species and Habitat Requirements**

<b>Species/Status</b>	<b>Habitat Requirements</b>	<b>Suitable Habitat Impacts within Study Area</b>	<b>Effects Determination</b>
<b>Gray Bat</b> ( <i>Myotis grisescens</i> ) Endangered	The Gray Bat occurs in limestone karst areas and primarily uses caves throughout the year, although they move from one cave to another seasonally. Smaller colonies also occasionally roost under bridge structures.	Forested summer foraging habitat: 0.4 acre	May affect, not likely to adversely affect
		Suitable roosting structures*: Not Impacted	
		Bluff lines: Not Impacted	
<b>Indiana Bat</b> ( <i>Myotis sodalis</i> ) Endangered	The Indiana Bat hibernates in cool caves and mines in the winter and wooded areas in the spring and summer. During summer, colonies are found behind slabs of exfoliating bark of dead trees, often in bottomland or floodplain habitats, but also in upland situations.	Forested summer roost or foraging habitat: 0.4 acre	May affect, not likely to adversely affect
		Suitable roosting structures*: Not Impacted	
		Bluff lines: Not Impacted	
<b>Northern Long-eared Bat</b> ( <i>Myotis septentrionalis</i> ) Endangered	In winter, Northern Long-eared Bats use caves, mine portals, abandoned tunnels, protected sites along cliff lines and similar situations that afford protection from cold. During the summer they roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees.	Forested summer roost or foraging habitat: 0.4 acre	May affect, not likely to adversely affect
		Suitable roosting structures*: Not Impacted	
		Bluff lines: Not Impacted	
<b>Ozark Big-eared Bat</b> ( <i>Corynorhinus townsendii ingens</i> ) Endangered	The Ozark Big-eared Bat inhabits caves year-round, typically located in oak-hickory hardwood forests.	Bluff lines: Not Impacted	No effect
<b>Tricolored Bat</b> ( <i>Perimyotis subflavus</i> ) Proposed Endangered	In winter, Tricolored Bats hibernate in caves, mine portals, and man-made structures such as box culverts. During the summer they prefer to roost in the clumps of dead leaves of oak trees within complex oak forests greater than 50 years old. Less commonly, they will roost in clumps of dead pine needles attached to living trees. They commonly forage along riparian corridors.	Forested summer roost or foraging habitat: 0.4 acre	Not likely to jeopardize the continued existence
		Suitable roosting structures*: Not Impacted	
		Bluff lines: Not Impacted	
<b>Piping Plover</b> ( <i>Charadrius melodus</i> ) Threatened	Piping Plovers are usually found along sandbars of major rivers, salt flats, and mudflats of reservoirs.	No sandbars, salt flats, or mudflats are located within or adjacent to the Study Area.	No effect



Mr. Ryan Mountain

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<b>Alligator Snapping Turtle</b> <i>(Macrochelys temminckii)</i> Proposed Threatened	Alligator Snapping Turtles inhabit medium to large slow-moving rivers or associated lakes, sloughs, or oxbows, and occur in high gradient clear streams. They will sometimes in habitat tributaries or ponds with a nexus to forementioned rivers.	No medium to large slow-moving rivers or associated aquatic resources are in or adjacent to the Study Area.	Not likely to jeopardize the continued existence
<b>Red Knot</b> <i>(Calidris cantus rufa)</i> Threatened	Red Knots are usually found along mudflats associated with reservoirs.	No mudflats are located within or adjacent to the Study Area.	No effect
<b>Eastern Black Rail</b> <i>(Laterallus jamaicensis)</i> Threatened	Eastern Black Rails typically inhabit emergent shallow wetlands. They require dense vegetative cover that allows movement underneath the canopy such as rushes, sedges, and grasses.	No emergent shallow wetlands with dense vegetation located within or adjacent to the Study Area.	No effect
<b>Ozark Cavefish</b> <i>(Amblyopsis rosae)</i> Threatened	The Ozark Cavefish occurs in dark cave waters, primarily clear upwelling streams with chert or rubble substrate, and occasionally in pools over silt and sand. They have also been found in wells, springs, and sinkholes.	Karst region with documented caves in Benton County.  Adjacent springs and seeps will not be impacted.	May affect, not likely to adversely affect
<b>Monarch Butterfly</b> <i>(Danaus plexippus)</i> Candidate	Monarch Butterflies require the presence of milkweed ( <i>Asclepias</i> sp.), flowering or potentially flowering nectar plants (defined as forbs that can provide nectar for monarchs at some point in the growing season), and additional native habitat such as meadows, prairies, and grasslands.	Grassland Habitat:  0.7 acre	Not likely to jeopardize the continued existence
<b>Missouri Bladderpod</b> <i>(Physaria filiformis)</i> Threatened	Missouri bladderpods are usually found in open limestone glades, barrens, and outcrops within unglaciated prairie areas. Glades are naturally dry, treeless areas with shallow, loose soil and areas of exposed rock. They are occasionally in dolomitic glades and are often associated with grazed pastures. Cedar invasion of glade sites is common. Sometimes the bladderpod is found on highway right of way and pastures where mowing and grazing have kept the area open. Occasionally it is found in open rocky woods.	No dry limestone or dolomitic glades or barrens occur within the Study Area.	No effect

## **Tribal Coordination**



## Osage Nation Historic Preservation Office

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**Date:** November 16, 2021

**File:** 2122-4311AR-10

**RE:** AHTD, ARDOT, NE J Street Interchange Project, City of Bentonville, Benton County, Arkansas

Arkansas Division, FHWA  
Randal Looney  
700 West Capitol Ave., Suite 3130  
Little Rock, AR 72201

Dear Mr. Looney,

The Osage Nation Historic Preservation Office has received notification and accompanying information for the proposed project listed as AHTD, ARDOT, NE J Street Interchange Project, City of Bentonville, Benton County, Arkansas. **The Osage Nation requests a copy of the Draft Environmental Assessment (EA) for review and comment. Secondly, due to the presence of a number of sites within (3BE0627, 3BE0628, 3BE0629, and 3BE0863,) and within close proximity to the APE (3BE0574, 3BE0925, 3BE0997) the Osage Nation requests that a cultural resources survey be conducted for this project.**

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. **The Osage Nation anticipates reviewing and commenting on the Draft Environmental Assessment and the planned Phase I cultural resources survey report for the proposed AHTD, ARDOT, NE J Street Interchange Project, City of Bentonville, Benton County, Arkansas.**

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Deseray Helton  
Deseray Helton  
Archaeologist



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Arkansas Division**

October 18, 2021

700 West Capitol Ave  
Suite 3130  
Little Rock AR 72201  
(501) 324-6430

In Reply Refer To:  
NE J Street Interchange Project  
City of Bentonville  
Benton County, Arkansas

Dr. Andrea Hunter  
Tribal Historic Preservation Officer  
The Osage Nation  
627 Grandview Ave.  
Pawhuska, OK 74056

Dear Dr. Hunter:

This letter is written in order to initiate consultation between the Federal Highway Administration (FHWA), Arkansas Division Office and the Osage Nation regarding a federal-aid highway project that may potentially affect ancestral lands or properties that may be of religious or cultural significance to your Nation.

The City of Bentonville, Arkansas has initiated an Environmental Assessment (EA) for the NE J Street Interchange Project located in Benton County, Arkansas that would consist of the construction of a new interchange along Interstate 49 (I-49). Additionally, improvements would be made to NE J Street between Tiger Boulevard and I-49 that would include an extension on new location from about 350 feet south of Shoemaker Creek to I-49 and include the construction of two bridges. The study area is shown on the enclosed maps.

Please review this information and notify us of any constraints or concerns that you may have regarding this undertaking. We would appreciate your input regarding not only this project but also sites or properties in the immediate area that might be of cultural or religious significance to your Nation. If you have any questions or need additional information, please contact me at (501) 324-6430.

Sincerely,

A handwritten signature in blue ink that reads "Randal Looney".

Randal Looney  
Environmental Coordinator

Enclosure



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Arkansas Division**

October 18, 2021

700 West Capitol Ave  
Suite 3130  
Little Rock AR 72201  
(501) 324-6430

In Reply Refer To:  
NE J Street Interchange Project  
City of Bentonville  
Benton County, Arkansas

Mr. Bobby Gonzalez  
Chairman  
The Caddo Nation  
P.O. Box 487  
Binger, OK 73009

Dear Mr. Gonzalez:

This letter is written in order to initiate consultation between the Federal Highway Administration (FHWA), Arkansas Division Office and the Caddo Nation regarding a federal-aid highway project that may potentially affect ancestral lands or properties that may be of religious or cultural significance to your Nation.

The City of Bentonville, Arkansas has initiated an Environmental Assessment (EA) for the NE J Street Interchange Project located in Benton County, Arkansas that would consist of the construction of a new interchange along Interstate 49 (I-49). Additionally, improvements would be made to NE J Street between Tiger Boulevard and I-49 that would include an extension on new location from about 350 feet south of Shoemaker Creek to I-49 and include the construction of two bridges. The study area is shown on the enclosed maps.

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Sincerely,

A handwritten signature in blue ink that reads "Randal Looney".

Randal Looney  
Environmental Coordinator

Enclosure



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Arkansas Division**

October 18, 2021

700 West Capitol Ave  
Suite 3130  
Little Rock AR 72201  
(501) 324-6430

In Reply Refer To:  
NE J Street Interchange Project  
City of Bentonville  
Benton County, Arkansas

Ms. Whitney Warrior  
Tribal Historic Preservation Officer  
United Keetoowah Band of  
Cherokee Indians in Oklahoma  
P.O. Box 746  
Tahlequah, OK 74465

Dear Ms. Warrior:

This letter is written in order to initiate consultation between the Federal Highway Administration (FHWA), Arkansas Division Office and the United Keetoowah Band of Cherokee Indians in Oklahoma regarding a federal-aid highway project that may potentially affect ancestral lands or properties that may be of religious or cultural significance to your Band.

The City of Bentonville, Arkansas has initiated an Environmental Assessment (EA) for the NE J Street Interchange Project located in Benton County, Arkansas that would consist of the construction of a new interchange along Interstate 49 (I-49). Additionally, improvements would be made to NE J Street between Tiger Boulevard and I-49 that would include an extension on new location from about 350 feet south of Shoemaker Creek to I-49 and include the construction of two bridges. The study area is shown on the enclosed maps.

Please review this information and notify us of any constraints or concerns that you may have regarding this undertaking. We would appreciate your input regarding not only this project but also sites or properties in the immediate area that might be of cultural or religious significance to your Band. If you have any questions or need additional information, please contact me at (501) 324-6430.

Sincerely,

A handwritten signature in blue ink that reads "Randal Looney".

Randal Looney  
Environmental Coordinator

Enclosure



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Arkansas Division**

October 18, 2021

700 West Capitol Ave  
Suite 3130  
Little Rock AR 72201  
(501) 324-6430

In Reply Refer To:  
NE J Street Interchange Project  
City of Bentonville  
Benton County, Arkansas

Ms. Tonya Tipton  
Tribal Historic Preservation Officer  
Shawnee Tribe  
P.O. Box 189  
Miami, OK 74355

Dear Ms. Tipton:

This letter is written in order to initiate consultation between the Federal Highway Administration (FHWA), Arkansas Division Office and the Shawnee Tribe regarding a federal-aid highway project that may potentially affect ancestral lands or properties that may be of religious or cultural significance to your Tribe.

The City of Bentonville, Arkansas has initiated an Environmental Assessment (EA) for the NE J Street Interchange Project located in Benton County, Arkansas that would consist of the construction of a new interchange along Interstate 49 (I-49). Additionally, improvements would be made to NE J Street between Tiger Boulevard and I-49 that would include an extension on new location from about 350 feet south of Shoemaker Creek to I-49 and include the construction of two bridges. The study area is shown on the enclosed maps.

Please review this information and notify us of any constraints or concerns that you may have regarding this undertaking. We would appreciate your input regarding not only this project but also sites or properties in the immediate area that might be of cultural or religious significance to your Tribe. If you have any questions or need additional information, please contact me at (501) 324-6430.

Sincerely,

A handwritten signature in blue ink that reads "Randal Looney".

Randal Looney  
Environmental Coordinator

Enclosure